

POLOZOLA DECLARATION
EXHIBIT J

1 UNITED STATES DISTRICT COURT
2
3 WESTERN DISTRICT OF WASHINGTON AT TACOMA

4 UGOCHUKWO GOODLUCK NWAUZOR,)
5 et al.,)
6 Plaintiffs,)
7 v.) 3:17-cv-05769-RJB
8 THE GEO GROUP, INC.,) 3:17-cv-05806-RJB
9 Defendant.) Tacoma, Washington
10
11 STATE OF WASHINGTON,) October 22, 2021
12 Plaintiff,) Jury Trial
13 v.) 1:00 p.m.
14 THE GEO GROUP, INC.,)
15 Defendant.)

16 VERBATIM REPORT OF PROCEEDINGS
17 BEFORE THE HONORABLE ROBERT J. BRYAN
18 UNITED STATES DISTRICT JUDGE
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24 Proceedings stenographically reported and transcribed
25 With computer-aided technology

1 its services to the federal government, correct?

2 A Yes.

3 Q GEO can chose whether it wants to do business with the
4 federal government; is that right?

5 A Yes.

6 Q It did so, it negotiated and entered into a contract on
7 its own accord, correct?

8 A Well, we proposed and then the contract was awarded.

9 Q Right. No one made GEO submit a bid?

10 A No.

11 Q In doing so, in getting that contract award, no one made
12 GEO agree to follow the Performance-Based National Detention
13 Standards, correct?

14 MR. CALABRESE: Objection to form.

15 MR. POLOZOLA: I can ask it a different way.

16 THE COURT: I'm sorry.

17 MR. POLOZOLA: I can ask it a different way.

18 BY MR. POLOZOLA:

19 Q GEO agreed to follow the Performance-Based National
20 Detention Standards in order to get the contract, correct?

21 A Yes.

22 Q GEO voluntarily agreed to the terms in the contract with
23 ICE; is that right?

24 A Yes.

25 Q GEO agreed to be the federal government's partner and to

1 do things for the government so the government would not have
2 to do it them itself, correct?

3 A Correct.

4 Q So along those lines, GEO contracts with the federal
5 government, but the staff at the Northwest Detention Center
6 are GEO employees; isn't that right.

7 A I don't understand the question.

8 Q GEO employs state GEO employees, correct?

9 A Yes.

10 Q Even though ICE approves a minimum staffing plan for the
11 Northwest Detention Center, correct?

12 A Yes.

13 Q Even though ICE does background checks on GEO employees,
14 correct?

15 A Yes.

16 Q Can't work for GEO unless ICE says you pass the background
17 check, right?

18 A Correct.

19 Q I think we just established GEO staff are still GEO
20 employees, correct?

21 A GEO pays employees by the contract.

22 Q We know that because GEO selects them and hires them,
23 correct?

24 A In accordance to the regulation of contract and if they
25 pass a background, yes.

1 Q GEO trains them, correct?

2 A Yes, in accordance to the contract training requirements,
3 yes.

4 Q GEO pays them, correct?

5 A Yes.

6 Q That's how we know they are GEO's employees; isn't that
7 right?

8 A Yes.

9 Q GEO managers supervise GEO officers, correct?

10 A Yes.

11 Q They are not ICE employees, they are GEO employees,
12 correct?

13 A Correct.

14 Q You mentioned a moment ago, you were asked questions about
15 the reimbursement rate of one dollar, correct?

16 A Yes.

17 Q The contract establishes the rate at which ICE agrees to
18 pay or reimburse GEO for work in the voluntary work program;
19 is that right?

20 A It is established that that is the only thing that is
21 going to be paid for the voluntary work program, yes.

22 Q It is the only thing that ICE is going to pay GEO,
23 correct?

24 A Well, it is the only thing ICE will pay any voluntary work
25 program, GEO, any contract.

1 Q Right. The mechanics of it, if I am correct, ICE has
2 agreed to pay GEO as a reimbursement; isn't that right?

3 A Yes, according to their laws, yes.

4 Q There is no limit on what GEO can pay the detainee
5 workers, correct?

6 A Well, there would be because you would have to price it in
7 the proposal and ICE would not pay for that additional
8 pricing over the dollar.

9 Q I think you just said ICE wouldn't do something. As we
10 sit here today, GEO has the option to pay detainee workers
11 more than a dollar a day for the work they do at the
12 Northwest Detention Center, correct?

13 A Yes.

14 Q But ICE will only reimburse GEO for a dollar?

15 A Correct.

16 Q So there is, in fact, no limit on what GEO can pay the
17 detainee workers for the work they do, as we sit here today?

18 MR. CALABRESE: Objection as to form. Obviously some
19 limit.

20 THE COURT: Overruled.

21 THE WITNESS: Could you repeat the question?

22 BY MR. POLOZOLA:

23 Q There is no limit to what GEO can pay the workers working
24 at the detention center today, is there?

25 A No, I guess there wouldn't be. It wouldn't be priced on

1 the contract correctly.

2 Q Okay. You mentioned briefly, I believe, that you were
3 asked about whether the State had told GEO that it was
4 breaking the law -- excuse me, notified GEO that the State
5 believes GEO is violating the Minimum Wage Act?

6 A During the solicitation, yes.

7 Q Okay. GEO never asked the State whether the Minimum Wage
8 Act applied to the detainee workers at the Northwest
9 Detention Center, did it?

10 A There would be no reason to.

11 Q Okay. And in fact, GEO was notified of the State's
12 position four years ago when the State filed this lawsuit;
13 isn't that right?

14 A The lawsuit was filed, yes.

15 Q Right, even though we just established GEO can pay more
16 than a dollar, GEO has, for four years, chosen not to; isn't
17 that right?

18 A Yes.

19 MR. POLOZOLA: No further questions from the State.

20 CROSS-EXAMINATION

21 BY MR. BERGER:

22 Q Good afternoon, Ms. Martin. My name is Adam Berger. I
23 represent the private class plaintiffs in this case.

24 Just to follow up on some questions that State's
25 counsel was asking, GEO doesn't need congressional approval